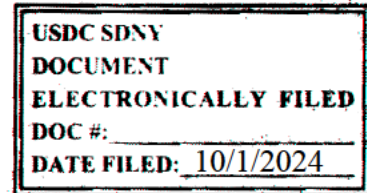


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
ROBERT DEREK LURCH,

Plaintiff,

22-CV-10563 (JHR)(SN)

-against-

ORDER OF SERVICE

THE CITY OF NEW YORK, et al.,

Defendants.
-----X

SARAH NETBURN, United States Magistrate Judge:

Plaintiff is proceeding *pro se* and *in forma pauperis*. He filed a complaint, under 42 U.S.C. § 1983, alleging that Defendants violated his federal constitutional rights on two separate occasions. On December 13, 2023, the Hon. Jennifer H. Rearden issued an order pursuant to Valentin v. Dinkins, 121 F.3d 72, 76 (2d Cir. 1997), directing the New York City Law Department to identify the unnamed officers that Plaintiff describes in his complaint. ECF No. 6. Judge Rearden referred the matter to me for general pretrial supervision and dispositive motions.

An ESU Officer who was involved in the August 2, 2022 incident was previously identified. ECF No. 33. The New York City Law Department has now identified three additional Defendants involved in the October 2022 incident: Correction Officer Jermaine Cort, Badge Number 13363; Correction Officer Stalin Valdez, Badge Number 17925; and Correction Officer Marcus Allen, Badge Number 7710. ECF No. 68.

DISCUSSION

A. Federal Rule of Civil Procedure 21

Pursuant to Rule 21 of the Federal Rules of Civil Procedure, the Clerk of Court is respectfully directed to amend the docket replacing Defendant “ESO Officer that entered my Cell during a Strip Search on Aug 2, 2022” with Correction Officer Jermaine Cort, Badge Number 13363; Correction Officer Stalin Valdez, Badge Number 17925; and Correction Officer Marcus Allen, Badge Number 7710.

B. Waiver of Service

The Clerk of Court is directed to notify the New York City Department of Correction and the New York City Law Department of this order. The Court, and with consent of Defendants’ counsel, respectfully requests the following defendants waive service of summonses: (1) Correction Officer Jermaine Cort, Badge Number 13363; (2) Correction Officer Stalin Valdez, Badge Number 17925; and (3) Correction Officer Marcus Allen, Badge Number 7710. ECF No. 68.

CONCLUSION

The Clerk of Court is respectfully directed, under Rule 21 of the Federal Rules of Civil Procedure, to amend the docket caption to replace Defendant “ESO Officer that entered my Cell during a Strip Search on Aug 2, 2022” with Correction Officer Jermaine Cort, Badge Number 13363; Correction Officer Stalin Valdez, Badge Number 17925; and Correction Officer Marcus Allen, Badge Number 7710. Moreover, the Clerk of Court shall notify the New York City Department of Correction and the New York City Law Department of this order. The Court respectfully requests that the newly named Defendants waive service of summonses. Defendants

Jermaine Cort, Stalin Valdez, and Marcus Allen shall respond to Plaintiff's complaint by
December 2, 2024.

SO ORDERED.



SARAH NETBURN
United States Magistrate Judge

DATED: October 1, 2024
 New York, New York